

COUNCIL PRESENT: Bruner, Dunagan, Wangemann, Hamrick, Figueras  
STAFF PRESENT: Padgett, Sheppard, Palmour, Felts, Jordan, Grayson

Mayor Bruner called the meeting to order.

The Pledge of Allegiance was recited in unison after which Bishop Bob Weaver, The Church of Jesus Christ of Latter Day Saints, delivered the invocation.

**CONSENT AGENDA:**

**Minutes:**

- A. March 31, 2011 Council Meeting
- B. April 5, 2011 Council Meeting

**Motion to adopt the minutes excepting the edits as presented.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Hamrick  
**Vote – 5 favor**

**Resolutions:**

- A. PR-2011-16 Governor's Office of Highway Safety Small Grant FY2012
- B. PR-2011-17 U. S. Environmental Protection Agency – Special Water and Wastewater Infrastructure Project Grant
- C. PR-2011-18 Quiet Place in the Woods Pump Station Improvements Award of Contract
- D. PR-2011-19 FAA Remote Communications Outlet (RCO) Renovation and Lease Supplemental Agreement

**Motion to adopt the resolutions as presented.**

Motion made by Council Member Dunagan  
Motion seconded by Council Member Wangemann  
**Vote – 5 favor**

**ALCOHOLIC BEVERAGE LICENSE APPLICATIONS:**

**E Z Mart, 2128 Athens Highway**

City Manager Kip Padgett stated this was a new application for the package sale of beer. The application was in order.

**Motion to approve the application as presented.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Hamrick  
**Vote – 5 favor**

**GENERAL LEGISLATION:**

**Proposed Ordinance  
Court Processing Fee**

City Manager Kip Padgett stated the ordinance increases the court processing fee to be paid by violators from \$2 to \$5 to allow for some technology enhancements between the Traffic Enforcement Division and Municipal Court.

**Motion to hold first reading on Ordinance 2011-07**, AN ORDINANCE TO AMEND TITLE 10 ENTITLED "SCHEDULE OF FEES" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND SECTION 10-1-8 BY INSERTING THE TITLE "COURT PROCESSING FEE" AND TO PROVIDE FOR A PROCESSING FEE TO BE LEVIED UPON ANY PERSON CHARGED WITH AN OFFENSE IN THE MUNICIPAL COURT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Dunagan  
Motion seconded by Council Member Wangemann  
**Vote – 5 favor**

**Second Reading: Ordinance No. 2011-05  
Amendment to Poolrooms Ordinance and Schedule of Fees**

**Motion to hold second reading on Ordinance 2011-05**, AN ORDINANCE TO AMEND SECTION 6-7-3 OF CHAPTER 6-70 ENTITLED "POOL ROOMS REGULATED" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO DELETE SECTION 6-7-3 ENTITLED "POOL ROOMS REGULATED" IN ITS ENTIRETY AND INSERT IN LIEU THEREOF A NEW SECTION 6-7-3 ENTITLED "POOL ROOMS REGULATED"; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion made by Council Member Figueras  
Motion seconded by Council Member Wangemann  
**Vote – 5 favor**

**Second Reading: Ordinance No. 2011-06  
Amendment to Industrial Surcharge Fees**

**Motion to hold second reading on Ordinance 2011-06**, AN ORDINANCE TO AMEND CHAPTER 10 ENTITLED "SCHEDULE OF FEES" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, GEORGIA; TO AMEND SECTION 10-1-17 (g)(1-4); SECTION 10-1-17 (h)(1) TO REVISE FEES CHARGE; SECTION 10-1-19 TO REVISE FEES CHARGE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

Motion made by Council Member Dunagan  
Motion seconded by Council Member Figueras  
**Vote – 5 favor**

**PUBLIC HEARINGS:**

**Planning Items:**

City Attorney Palmour reviewed the public hearing process and confirmed the hearings had been properly advertised.

***Adoption of the Community Assessment and Community Participation Program***

John Skash, Urban Collage, used a power point presentation to assist with the presentation. He gave an overview of the plan and the process to create the three documents to be submitted to the Georgia Mountains Regional Commission and the Department of Community Affairs. Talking points included people partnering to complete the project, the summary of a comprehensive plan, the community assessment in three volumes (Executive Summary, Community Participation Program and Community Assessment), key observations, major issues, preliminary character areas, process highlights, community input (options both in person or online), the workshops (in July, August, and September), the agenda and the next steps.

City Attorney Palmour opened the floor for comments. There being none, the hearing was closed and matter was returned to Council for a decision.

City Manager Kip Padgett asked Director of Community Development Rusty Ligon to clarify the reason the City is handling the visioning process in addition to the Chamber of Commerce's Vision 2030 Project. Mr. Ligon stated once the Comprehensive Plan is established certain guidelines established by the Department of Community Affairs have to be followed which include a visioning process. The City doesn't want to ignore the Vision 2030 efforts and felt they should be included in this project.

Mayor Bruner stated Council Member Figueras still serves on the Vision 2030 plan.

**Motion to adopt Resolution BR-2011-13 entitled *Adoption of the Community Assessment and Community Participation Program* as presented.**

Motion made by Council Member Dunagan  
Motion seconded by Council Member Wangemann  
**Vote – 5 favor**

***Adoption of the Annual Update to the Capital Improvements Element (CIE) and Short Term Work Program.***

Director of Community Development Rusty Ligon stated this was the fourth annual update to the CIE of the Comprehensive Plan. The review has been completed and the hearing was required before the document could be adopted.

City Attorney Palmour opened the floor for comments. There being none, the hearing was closed and matter was returned to Council for a decision.

**Motion to adopt Resolution BR-2011-14 entitled *Adoption of the Annual Update to the Capital Improvements Element (CIE) and Short Term Work Program* as presented.**

Motion made by Council Member Figueras  
Motion seconded by Council Member Hamrick  
**Vote – 5 favor**

**Annexation / Zoning Items:**

***Request from the Fair Street Area NPU Steering Committee to rezone a total of 252 parcels consisting of 65.11± acres located between the southeast side of Jesse Jewell Parkway and E. E. Butler Parkway, having road frontage along Cloverdale Avenue; Carlton Street; Collins Street; Desota Street; Dunbar Place; Elm Street; Emily Street; Fair Street; Harvey Street; High Street; Hobbs Alley; Martin Luther King, Jr. Boulevard; McBride Street; McDonald Street; Mill Street; Norwood Street; Patricia Drive; and Summit Street, from Residential-II (R-II) and Planned Unit Development (P-U-D) to Neighborhood Conservation (N-C). Ward Number: Three; Tax Parcel Number(s): 01-021-001-023, 023A, 023B, 024, 025, 026, 027; 01-021-002-001, 002, 010, 011, 012, 013, 013A, 014, 016; 01-021-003-001, 002, 003, 004, 005, 006, 009, 013; 01-021-006-002, 003, 004, 005, 006, 007, 008, 009, 010; 01-021-007-001, 002, 003, 004, 005, 006, 008, 010, 011, 011A, 012, 015, 018, 019, 020, 023A, 024, 025, 026, 027, 028, 029, 030; 01-021-008-001, 001A, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013; 01-021-009-001, 002, 003, 004, 007; 01-034-001-002, 003, 004, 008, 009, 010, 014; 01-034-002-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011; 01-034-003-002, 003, 004, 005, 006, 007, 008, 009, 010, 010A, 011, 012, 013, 014, 015, 016, 017; 01-034-004-001, 002, 003, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023; 01-034-005-001, 002A, 003A, 003B, 004, 005, 007, 008, 008A, 008B, 008C, 008D, 009, 010, 011, 012, 013; 01-034-006-001, 001A, 002, 004, 011, 012, 013, 014, 015, 016, 017, 018; 01-034-007-011, 012, 013, 014A, 014B, 014C, 014D, 014E, 014F, 015, 016A, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 033; 01-034-008-001, 002, 004, 005, 006, 007, 010, 011, 012; 01-035-002-042, 043, 044; 01-035-004-001, 002, 003, 004, 005, 006, 007; 01-035-005-004, 005, 006; 01-060-001-001A, 002, 004, 005, 007, 008, 009, 010, 011, 011A, 012, 014, 016, 017, 018, 019, 033, 034; 01-060-002-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016; 01-060-003-001, 002, 003, 004, 005, 006, 007, 008; Request: Neighborhood Conservation District.***

Director of Community Development Rusty Ligon reviewed the application. All property owners have given authorization to pursue the designation. Staff recommended approval based on the number of single family homes in the area and based upon the fact that all property owners were in favor of the request. The Planning and Appeals Board voted to approve the request.

FAVOR

**Berlinda Lipscomb**, 518 Fair Street, spoke on behalf of the Fair Street Neighborhood Planning Unit (NPU) and asked for approval. She thanked the City for the opportunity for the change. Afterwards, the community would work on cleanup efforts within the community. She stated they knew they would need help and would be seeking funds through various avenues to assist in their endeavors. They wanted Fair Street to grow and be as pretty and prosperous as all other areas of Gainesville.

There being no other comments, the hearing was closed and the matter was returned to Council for a decision.

Council Member Figueras recused herself from voting.

**Motion to hold first reading on Ordinance 2011-08**, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF GAINESVILLE, GEORGIA, BY CHANGING THE ZONING ON A TOTAL OF 252 PARCELS CONSISTING OF 65.11± ACRES LOCATED BETWEEN THE SOUTHEAST SIDE OF JESSE JEWELL PARKWAY AND E. E. BUTLER PARKWAY, HAVING ROAD FRONTAGE ALONG CARLTON STREET, CLOVERDALE AVENUE, COLLINS STREET, DESOTA STREET, DUNBAR PLACE, ELM STREET, EMILY STREET, FAIR STREET, HARVEY STREET, HIGH STREET, HOBBS ALLEY, MARTIN LUTHER KING, JR. BOULEVARD, MCBRIDE STREET, MCDONALD STREET, MILL STREET, NORWOOD STREET, PATRICIA DRIVE, AND SUMMIT STREET (SEE EXHIBIT A) FROM RESIDENTIAL-II (R-II) AND PLANNED UNIT DEVELOPMENT (P-U-D) TO NEIGHBORHOOD CONSERVATION (N-C); REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Amendment to Zoning Map)

Motion made by Council Member Dunagan  
Motion seconded by Council Member Hamrick

DISCUSSION:

Council Member Dunagan commended the community for 100% support on 252 parcels of property.

Council Member Wangemann stated this could be considered as a public/private partnership. He hoped the good work from the public sector would continue.

**Vote – 4 favor, 1 abstain (Figueras)**

***Request from Kauffman Tire, Inc. for a Special Use on a 1.19± acres tract located between southwest corner of the intersection of Dawsonville Highway and Green Hill Circle (a/k/a 801 and 805 Dawsonville Highway), having a zoning classification of Regional Business (R-B). Ward Number: Five; Tax Parcel Number(s): 01-116-002-053 and 086; Request: Automotive tire and service store.***

Director of Community Development Rusty Ligon reviewed the application. The Planning and Appeals Board voted to approve the request with the following three conditions:

1. An automotive paint and body repair shop or auto sales facility is not an approved use for the subject property.
2. There shall be no junk vehicles or vehicles used for parts stored on the subject property.
3. All service bay doors shall face towards the southeastern and northwestern property line as to not be directly visible from Dawsonville Highway.

City Attorney Palmour opened the floor for comments.

FAVOR

**John Weaver**, Kauffman Tire, provided some history about the business. He stated they are looking to expand influence as far as Valdosta, Georgia. No tires will be stored outside. The used tire storage will be inside the establishment. All fluids are stored in tanks inside the

building. Used tires and oil will be picked up once or twice a week. All work will be completed inside the bay areas.

There being no other comments, City Attorney Palmour closed the hearing and returned the matter to Council for a decision.

**Motion to adopt Resolution ZR-2011-01 allowing a Special Use on a 1.19± acres tract at 801 and 805 Dawsonville Highway for an automotive tire and service store within a Regional Business (R-B) zoning district with conditions as presented.**

Motion made by Council Member Wangemann  
Motion seconded by Council Member Figueras  
**Vote – 5 favor**

### **BUDGET HEARING:**

#### **Presentation of FY2012 Proposed Budget**

City Manager Kip Padgett stated the economy began to enter a recession in 2008 and 2009. Operating cuts were made to stay ahead of revenue reductions. He stated the proposed budget was a \$26.6M budget in the general fund that contains no tax increase, no millage roll up and maintains our current level of service. Staff will continue to watch property assessments over the next year. Mr. Padgett stated the budget has been discussed in previous work sessions and is ready for Council action.

#### **Public Comments regarding proposed budget**

Mayor Bruner requested public comments. There were none.

#### **Proposed Ordinance**

#### **FY2012 Ad Valorem Tax Rate for the City of Gainesville (Exclusive of the Gainesville Board of Education)**

**Motion to hold first reading on Ordinance 2011-09, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GAINESVILLE, GEORGIA, TO FIX THE AD VALOREM TAX RATE FOR THE CITY OF GAINESVILLE, GEORGIA EXCLUSIVE OF ACTIVITIES OF THE GAINESVILLE BOARD OF EDUCATION FOR THE FISCAL YEAR 2012; AND OTHER PURPOSES:**

Motion made by Council Member Dunagan  
Motion seconded by Council Member Figueras

#### **DISCUSSION:**

Council Member Wangemann offered a revised motion to use a portion of the surplus, approximately \$1 million, to reduce the millage rate further and to pay down debt if possible.

Council Member Hamrick seconded the revised motion.

**Vote – 2 favor, 3 opposed (Bruner, Dunagan, Figueras)**

Council Member Dunagan commended employees for their sacrifices. We have reduced the fund balance to four weeks and it needs to be at six weeks. Part of the surplus is the fund

balance, approximately \$3.25 million. There are some capital projects that must be addressed. If property values drop more than the 10% estimated in the budget, we may need the fund balance to remain operational.

Council Member Figueras didn't see how to justify a reduction.

Upon inquiry from Council Member Hamrick, City Manager Kip Padgett confirmed the City has general insurance coverage. The policies have limitations and exclusions when addressing emergencies. Council Member Hamrick stated the City spends \$1 million a year on insurance to cover emergencies based upon his last review of this information.

Mayor Bruner called for a vote on the original motion.

**Vote – 4 favor, 1 oppose (Hamrick)**

### **Proposed Ordinance**

#### **FY2012 Ad Valorem Tax Rate for the Gainesville Board of Education**

Mayor Bruner stated the Council must address the ad valorem tax for the Board of Education per State law.

**Motion to hold first reading on Ordinance 2011-10, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GAINESVILLE, GEORGIA, TO FIX THE AD VALOREM TAX RATE FOR THE GAINESVILLE BOARD OF EDUCATION FOR THE FISCAL YEAR 2012; AND OTHER PURPOSES:**

Motion made by Council Member Figueras  
Motion seconded by Council Member Dunagan

**Vote – 4 favor, 1 oppose (Hamrick)**

Mayor Bruner expressed appreciation to staff for a streamlined budget.

Council Member Figueras commended the employees for their sacrifices and for taking on the extra work.

### **COUNCIL'S ISSUES:**

#### **Mayor Bruner**

1. Congratulated Human Resources/Risk Manager Cindy Mallett for becoming the National President for PRIMA.
2. Commented on the new Visitor's Guide.

#### **Council Member Wangemann**

1. Provided a community cleanup report.
2. Invited 202 individuals to the meeting. Three people were in attendance because of the invitations.
3. Commented on the open house for the Public Safety Complex indicating it was a great event.

**Council Member Figueras**

1. Commented on the recent Eye on Gainesville Show.
2. Thanked the Fair Street Neighborhood Planning Unit (NPU) Committee for their efforts.
3. Stated the Memorial Day Parade was a great event.
4. Reported an upcoming Second Saturday meeting at Fair Street Neighborhood Center.

**Council Member Hamrick**

Commended the Finance Department for the monthly budget review. Recommended that a copy of this document be placed on the website to allow citizens to view the expenditures.

**EXECUTIVE SESSION:**

City Manager Kip Padgett requested an Executive Session to discuss personnel, real estate and potential litigation.

**Motion to close the Council Meeting to enter an Executive Session to discuss personnel, real estate and potential litigation at 6:26 PM.**

Motion made by Council Member Dunagan

Motion seconded by Council Member Wangemann

**Council Members voting in favor of the motion were Bruner, Dunagan, Wangemann, Hamrick and Figueras.**

COUNCIL PRESENT: Bruner, Dunagan, Wangemann, Hamrick, Figueras

STAFF PRESENT: Padgett, Sheppard, Palmour, Jordan

**Motion to close the Executive Session and to adjourn the Council Meeting at 6:51 PM.**

Motion made by Council Member Figueras

Motion seconded by Council Member Wangemann

**Council Members voting in favor of the motion were Bruner, Dunagan, Wangemann, Hamrick and Figueras.**

**ADJOURNMENT: 6:51 PM**

DJ:ag

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Ruth H. Bruner, Mayor

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Denise O. Jordan, City Clerk